IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Examiner: **Lin, Kelvin Y.**
Timothy W. GENSKE, et al.	) Art Group: **2142**
Application No. 09/847,811	) Conf. No.: **6353**
Filed: May 1, 2001	)
For: **SYSTEM AND METHOD FOR DYNAMIC UPLOADING AND EXECUTION OF APPLICATIONS AND DRIVERS BETWEEN DEVICES**	)
	)
	)

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REPLY BRIEF

As set forth in the Manual of Patent Examining Procedure ("MPEP") section 1208, Appellants respectfully submit the following Reply Brief in response to the Examiner's Answer dated December 10, 2008. No fees are believed to be due. However, Appellants authorize charging of any applicable fees, or refund of any overpayments, to be made to Deposit Account No. 02-2666.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted
electronically via EFS Web on the date shown below.

/Carla Anysia Nascimento/   February 10, 2009
Carla Anysia Nascimento   **Date**

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I. INTRODUCTION

The prior arguments made in the Appeal Brief are maintained with respect to all other claims. The present Reply Brief is only intended to address specific assertions made in the Examiner's Answer and to further clarify the arguments.

II. ARGUMENT

1. *Each of Appellants' independent claim recites that the camera performs an independent invoking execution*

The Examiner asserts in the Answer that "nowhere in the claim does it state the camera must perform an independent invoking execution" (Answer, p. 15). Appellants respectfully disagree and submit that Appellants' claim 1, 41, and 51 are directed towards Appellants' camera invoking a command transferred to a cell phone. For example, independent claim 1 recites:

> In a computer environment where devices are occasionally connected together, a method for automated transmission and execution of an executable file of interest originating from a digital camera, upon the digital camera's connection to a cellular phone, the method comprising:
>> connecting the digital camera to a cellular phone capable of hosting the camera;
>> identifying at least one particular cellular phone that is connected to the camera, including determining communication information allowing communication between the camera and the particular cellular phone, and determining command information allowing the camera to invoke execution of a file of interest at the particular cellular phone;
>> based on said determined communication information, transmitting the executable file of interest from said camera to the particular cellular phone; and
>> based on said determined command information, invoking execution of the executable file of interest after it has been transmitted to the particular cellular phone.

(Claim 1, emphasis, added.) In particular, claim 1 recites "determining command information allowing the camera to invoke execution of a file of interest at the particular

cellular phone" and "based on said determined command information, <u>invoking</u> <u>execution of the executable file of interest</u> after it has been transmitted to the particular cellular phone." Thus, claim 1 recites determining a command that allows the camera to invoke a file of interests at the cellular phone and, based on that determine command, invoking execution of that file after that file has been transferred to the cellular phone. Because Appellant does not claim another device being allowed to invoke execution of said file of interest using said determined command, Appellants respectfully submits that claim 1 recites the camera invoking execution of the file of interest.

Claim 41 recites:

> A multi-device system providing automated loading and execution of a driver required for connected devices, the system comprising:
> a camera that may be connected to a cellular phone that is capable of hosting the camera; and
> a subsystem, incorporated in the camera, for automatically:
> (i) identifying the cellular phone upon connection to the camera, said subsystem initiating communication between the two devices;
> (ii) uploading the driver of interest from the camera to the cellular phone; and
> (iii) <u>transmitting at least one command from the camera that invokes execution of the driver of interest at the cellular phone</u>, whereupon the driver executes at the cellular phone for controlling operation of camera.

(Claim 41, emphasis added.) Claim 41 recites a camera that transmits "at least one command from the <u>camera that invokes execution of the driver of interest</u> at the cellular phone." Thus, Appellants respectfully submits that claim 41 recites the camera invoking execution of the driver of interest.

Furthermore, claim 51 recites:

> In a computer environment where devices are occasionally connected together, a method for automated transmission, execution, and manipulation of an executable file of interest originating from a first device, upon the first device's connection to a host device, the method comprising:
> connecting the first device to at least one other device capable of hosting the first device;
> identifying at least one particular host device that is connected to the first device, including determining communication information allowing communication between the first device and the particular host device, and

determining command information allowing the first device to manipulate and invoke execution of an executable file of interest at the particular host device;

based on said determined communication information, transmitting the executable file of interest from said first device to the particular host device;

based on said determined command information, transmitting from said first device to the particular host device commands that manipulate the executable file of interest at the particular host device; and

initiating a dialog between the two devices, including:

(i) executing said commands transmitted to the host device on the host device, and

(ii) in response to said commands transmitted to the host device, returning a reply from the host device to the first device.

(Claim 51, emphasis added). Claim 51 recites ""determining command information allowing the first device to manipulate and invoke execution of an executable file of interest at the particular host device" and "transmitting from said first device to the particular host device commands that manipulate the executable file of interest at the particular host device; and initiating a dialog between the two devices, including: (i) executing said commands transmitted to the host device on the host device." As above, because the command information allows the first device to invoke execution of the file of interest and the command get executed, the first device invokes executes of the determined commands at the host device.

2. **Robinson's GSM Transmission Packet Cannot be Properly Equated to Appellants' Driver**

The Examiner asserts that Robinson's GSM transmission packet that is used to dial a preselected telephone number and transmit the data to remote location corresponds to a driver file. Appellants respectfully disagree.

Appellants respectfully submit that Appellants' driver file is "program (e.g., driver) to run on the target device so that the target device may correctly communicate with the camera device" (Specification, p. 3, lines 9-10). In contrast, Robinson's GSM transmission packet is used to trigger a phone call from a cellular phone to a server (Robinson, col. 6, line 65 – col. 7, line 4; col. 7, line 43-49). The command is thus unrelated to communications between the camera and the cellular phone. Thus, because Robinson's GSM transmission packet is used to enable communication

between the cellular phone and a server, but not the device from which the GSM transmission packet was transferred (e.g., the camera), Robinson's transmission packet cannot be properly interpreted as a driver that is "program (e.g., driver) to run on the target device so that the target device may correctly communicate with the camera device."

For example, in claim 2 recites that "said executable file of interest comprises a driver file." Claim 3 recites "said driver file, upon execution, controls operation of said camera." In addition, claim 41 recites "the <u>driver executes</u> at the cellular phone for <u>controlling operation of the camera</u>."

3. Claims 13-15

The Examiner rejects claims 13-15 by reference to Robinson, Figure 5a. However, that figure simply illustrates that packets are provided to the cellular phone via a serial link (Robinson, Col. 7, lines 61-62).
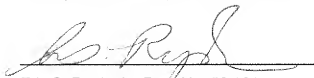
In contrast, claims 13 through 15 recite particular types of physical phone-to-camera connections. These specific physical interfaces are not taught or suggested by Robinson, and are not present in *Robinson*'s Figure 5a. Robinson does not even mention the possibility of using RS-232 and Universal Serial Bus ("USB")) interfaces.

III. CONCLUSION

Appellants respectfully submit that the references, alone or in combination do not make the claims as they stand obvious. Therefore, based on the foregoing, Appellants respectfully submit that that the Board should overturn the rejection of claims 1-83 and hold that all of the claims currently under review are allowable.

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Respectfully submitted,
Blakely, Sokoloff, Taylor & Zafman, LLP

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Dated: February 10, 2009

Eric S. Replogle, Reg. No. 52,161